## REMARKS

Claims 1-29 remain pending. Please cancel Claims 2, 13 and 24 without prejudice. Claims 1, 12 and 23 have been amended herein. No new matter has been added as a result of the Claim amendments.

## CLAIM REJECTIONS 35 U.S.C. § 102

Claims 1, 3-8, 14-19 and 25-27 are rejected under 35 U.S.C 102(e) as being anticipated by Baker et al., (U.S. Patent Publication US 2003/0033243 A1), hereafter referred to as Baker. The rejection is respectfully traversed for the following reasons.

Amended Claim 1 recites in part (emphasis added):

in response to a software selection, <u>emulating</u>, on said software dispensing device, a portable computer system executing said <u>selected software program</u>, wherein a user can <u>manipulate</u> said selected software program;

Claim 1 has been amended to include the limitation "emulating, on said software dispensing device, a portible computer executing said selected software program, wherein a user can manipulate said selected software program."

Applicants have reviewed the Baker reference and respectfully assert that the Baker reference <u>fails to teach or suggest</u> this limitation, as claimed in amended Claim 1. Baker verifies payment, retrieves the selected software program and wirelessly transmits the software to the requestor. Baker <u>fails to teach or suggest</u>

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emulating the software, as claimed. As such, Claim 1 is not anticipated by Baker. As such, allowance of Claims 1, 3-8, 14-19 and 25-27 is earnestly

solicited.

35 U.S.C. § 103

Claims 2, 13, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baker in view of Suzuki et al., (U.S. Patent No. 5,267,171),

hereafter referred to as Suzuki. The rejection is respectfully traversed for the

following reasons.

Applicants agree that Baker fails to teach or suggest "the software

dispensing machines allows the user to preview the software," as claimed in

amended Claims 1, 12, and 23. Applicants have reviewed the Suzuki reference

and respectfully assert that Suzuki fails to teach or suggest emulating the

software, as claimed.

Suzuki purports to teach "the software vending machine 3 also includes a

display 14 for displaying various software demonstrations, instructions for using

the software vending machine 3 and <u>procedures</u> for <u>operating</u> the software

vending machine 3" (column 2 lines 59-62). Suzuki teaches away from the

limitation of "emulating the software wherein a user can manipulate the software,"

as claimed. The on-screen instructions of Suzuki are not taught as an emulation

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of the software wherein a user can manipulate the software. Suzuki provides a

<u>read only</u> instruction set for using the software and vending machine. This is

very different from "emulating the selected software wherein a user can

manipulate the selected software," as claimed.

Baker taken in combination with Suzuki, fails to teach or suggest this

Claim limitation because Suzuki fails to remedy the deficiencies of Baker.

Applicants agree that Baker fails to teach or suggest "the software dispensing

machines allows the user to preview the software," as claimed in amended

Claims 1, 12, and 23. However, Suzuki fails to remedy this deficiency because

Suzuki purports to teach read-only on-screen instructions for the software and for

the vending machine. Claims 2, 13, and 24 are not rendered obvious over Baker

in view of Suzuki. As such, allowance of Claims 2, 13, and 24 is earnestly

solicited.

Claims 9, 10, 11, 20-22, 28 and 28

Claims 9, 10, 11, 20-22, 28 and 28 are rejected under 35 U.S.C 103(a) as

being unpatentable over Baker in view of the article "Hand-helds; Don't Get Into

A Crunch: Prevention and a Backup Plan Can Save Your Data" (Kellner, Mark A.

March 15, 2001), hereafter referred to as Kellner. This rejection is respectfully

traversed for the following reasons.

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Kellner purports to teach a system for remote data back up for a PDA. However, Kellner fails to teach or suggest "emulating a selected software program such that a user can manipulate the selected program," as claimed. Kellner provides data backup for information already stored on a user's PDA. Kellner does not teach or suggest emulating any of the programs that are stored in the Kellner system. The claimed limitations of the present invention emulate a software program that is not already stored on the user's PDA. Applicants respectfully assert that Claims 9, 10, 11, 20-22, 28 and 28 are not rendered obvious over Baker in view of Kellner. As such, allowance of Claims 9, 10, 11, 20-22, 28 and 28 is earnestly solicited.

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## <u>CONCLUSION</u>

In light of the above listed remarks, reconsideration of the rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-29 overcome the rejections and objections of record and, therefore, allowance of Claims 1-29 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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